

Assembly Bill No. 2909

CHAPTER 596

An act to repeal Title 7.7 (commencing with Section 67410) of the Government Code, to amend Section 20301.5 of the Public Contract Code, to amend and repeal Section 10753 of the Revenue and Taxation Code, to amend Section 339 of the Streets and Highways Code, to amend Section 21752 of, and to add Section 12512 to, the Vehicle Code, relating to transportation.

[Approved by Governor September 22, 2000. Filed
with Secretary of State September 24, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2909, Committee on Transportation. Transportation.

(1) Existing law authorizes the Santa Clara County Transit District to let a design-and-build contract, as defined, for a transit center or station, or other transit project.

This bill would authorize the district to let a design-and-build contract for the Fremont-South Bay Commuter Rail Project.

(2) Existing law establishes the California Commuter and Intercity Transit Right of Way Preservation Act, which requires the Department of Transportation to submit a detailed survey on potential intercity rail routes.

This bill would repeal the California Commuter and Intercity Transit Right of Way Preservation Act.

(3) Existing law requires the Department of Motor Vehicles to determine the market value of a vehicle, as specified, upon the first sale of a new vehicle to a consumer and upon each sale of a used vehicle to a consumer for the purpose of computing the fee under the Vehicle License Fee Law. Under existing law, if a commercial vehicle, as defined, is modified or additions are made, as specified, at a cost of \$2,000 or more, the owner of that vehicle is required to report that modification or addition to department, for the purposes of making the specified computation. Operative on January 1, 2001, the amount of the modification or addition that requires the reporting will be reduced from \$2,000 to \$200.

This bill would exempt trailers and semitrailers from these requirements. The bill would delete the January 1, 2001, operative date and would instead continue indefinitely the \$2,000 threshold amount.

(4) Existing law requires the California Transportation Commission to relinquish to any city or county any portion of any state highway within the city or county that has been deleted from the state highway system by legislative enactment. Those



relinquishments become effective upon the 1st day of the next calendar or fiscal year, whichever first occurs after the effective date of the legislative enactment.

This bill would authorize the commission to relinquish to the City of Covina a specified portion of State Highway Route 39, upon terms and conditions the commission finds to be in the best interests of the state. The relinquishment would become effective immediately following the commission's approval of the terms and conditions of the relinquishment. The portion of State Highway Route 39 relinquished as specified would cease to be a state highway on the effective date of the relinquishment.

(5) Existing law provides for the issuance by the Department of Motor Vehicles of junior permits and provisional driver's licenses for persons under the age of 18 years.

This bill would expressly prohibit, except for the permits and licenses described above, the issuance of a license to drive to a person under the age of 18 years.

(6) Existing law prohibits a vehicle from being driven to the left side of the roadway under certain conditions, including when approaching within 100 feet of, or when traversing, a railroad crossing. Existing law provides a specified penalty for driving a vehicle in violation of those provisions relating to railroad grade crossings.

This bill would make a change to conform these prohibitory provisions with the provisions imposing the specified penalty.

The people of the State of California do enact as follows:

SECTION 1. Title 7.7 (commencing with Section 67410) of the Government Code is repealed.

SEC. 2. Section 20301.5 of the Public Contract Code is amended to read:

20301.5. (a) Notwithstanding Section 20301, the district may let a design-and-build contract for any project for a transit center or station, transit park-and-ride lot, bus and light rail maintenance facility, or administrative office building, or any combination of those, upon approval by the board of directors. The district also may let a design-and-build contract for the Fremont-South Bay Commuter Rail Project contained in Santa Clara County's 1996 Measure B Transportation Improvement Program, upon approval by the board of directors.

(b) (1) If the board of directors elects to proceed under subdivision (a), before entering into any contract that requires advertising for bids for a project, the board shall cause to be prepared estimates, and shall prepare documents, for the solicitation of bids on a design-and-build basis.



(2) For the purposes of this section, “design and build” means a method of procuring design and construction from a single source. The selection of the single source shall occur before the development of complete plans and specifications.

(c) The request for submission of bids shall include all of the following:

(1) A clear, precise description of the services to be provided and work to be performed.

(2) A description of the format that submittals shall follow and the elements they shall contain, including the qualifications and relevant experience of the design professional and the contractor, and the criteria that shall be used in evaluating the submittal, including the bid price.

(3) A requirement that bidders submit their proposals with the construction bid price and all cost information in a separate sealed envelope.

(4) The date on which the submittals are due, and the timetable that will be used in reviewing and evaluating the submittals.

(d) All submittals received prior to the closing time stated in the request for submittal shall be reviewed to determine those that meet the format requirements and the standards specified in the request for submittal.

(e) The contract shall be awarded to the lowest responsible bidder meeting the standards of the request for submittal.

(f) For the purposes of this section, selections of design professionals shall meet the standards set forth in Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(g) This section shall apply only to a project that is under the supervision of a licensed general building contractor, as defined in Section 7057 of the Business and Professions Code.

SEC. 3. Section 10753 of the Revenue and Taxation Code, as amended by Section 14 of Chapter 724 of the Statutes of 1999, is amended to read:

10753. (a) Upon the first sale of a new vehicle to a consumer and upon each sale of a used vehicle to a consumer, the department shall determine the market value of the vehicle on the basis of the cost price to the purchaser as evidenced by a certificate of cost, but not including California sales or use tax or any local sales, transactions, use, or other local tax. “Cost price” includes the value of any modifications made by the seller.

(b) Notwithstanding subdivision (a), the department shall not redetermine the market value of used vehicles, or modify the vehicle license fee classification of used vehicles determined pursuant to Section 10753.1 or 10753.2, when the seller is the parent, grandparent, child, grandchild, or spouse of the purchaser, and the seller is not engaged in the business of selling vehicles subject to registration



under the Vehicle Code, or when a lessor, as defined in Section 372 of the Vehicle Code, transfers title and registration of a vehicle to the lessee at the expiration or termination of a lease.

(c) (1) In the event any commercial vehicle is modified or additions are made to the chassis or body at a cost of two thousand dollars (\$2,000) or more, but not including any change of engine of the same type or any cost of repairs to a commercial vehicle, the owner of the commercial vehicle shall report any modification or addition to the department and the department shall classify or reclassify the commercial vehicle in its proper class as provided in Section 10753.1 or 10753.2, taking into consideration the increase in the market value of the commercial vehicle due to those modifications or additions, and any reclassification resulting in increase in market value shall be based on the cost to the consumer of those modifications or additions. In the event any vehicle is modified or altered resulting in a decrease in the market value thereof of two hundred dollars (\$200) or more as reported to and determined by the department, the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.1 or 10753.2.

(2) Paragraph (1) does not apply under any of the following conditions:

(A) When the cost of any modification or addition to the chassis or body of a commercial vehicle is less than two thousand dollars (\$2,000).

(B) When the cost is for modifications or additions necessary to incorporate a system approved by the State Air Resources Board as meeting the emission standards set forth in subdivisions (a) and (b) of former Section 39102 and former Section 39102.5 of the Health and Safety Code as they read on December 31, 1975.

(C) When the cost is for modifications that are necessary to enable a disabled person to use or operate the vehicle.

(3) For purposes of this subdivision, "commercial vehicle" means a "commercial vehicle," as defined in Section 260 of the Vehicle Code, that is regulated by the Department of the California Highway Patrol pursuant to Sections 2813 and 34500 of the Vehicle Code.

(d) This section also applies to a system as specified in subdivision (c) that is approved by the State Air Resources Board as meeting the emission standards specified in subdivisions (a) and (b) of former Section 39102 and former Section 39102.5 of the Health and Safety Code as they read on December 31, 1975, for vehicles 6,001 pounds or less, manufacturer's gross vehicle weight, controlled to meet exhaust emission standards when sold new, when that system is used in any vehicle over 6,001 pounds or any vehicle 6,001 pounds or less not controlled to meet exhaust emission standards.



(e) The temporary attachment of any camper, as defined in Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (c).

(f) The attachment to a vehicle of radiotelephone equipment furnished by a telephone corporation, as defined in Section 234 of the Public Utilities Code, is not a modification or addition for the purpose of subdivision (c), when that equipment is not owned by the owner of the vehicle.

(g) For purposes of this section, “vehicle” does not include trailers or semitrailers.

SEC. 4. Section 10753 of the Revenue and Taxation Code, as amended by Section 15 of Chapter 724 of the Statutes of 1999, is repealed.

SEC. 5. Section 339 of the Streets and Highways Code is amended to read:

339. Route 39 is from:

(a) Route 1 near Huntington Beach to Route 72 in La Habra via Beach Boulevard.

(b) Beach Boulevard to Harbor Boulevard in La Habra via Whittier Boulevard.

(c) Whittier Boulevard in La Habra to Route 2 via Harbor Boulevard to the vicinity of Fullerton Road, then to Azusa Avenue, Azusa Avenue to San Gabriel Canyon Road, San Gabriel Avenue southbound between Azusa Avenue and San Gabriel Canyon Road, and San Gabriel Canyon Road.

The department shall not assume maintenance of any portion of Route 39 until that portion has been constructed or reconstructed to the minimum state highway standards established pursuant to Sections 81 and 2109.

(d) Notwithstanding subdivision (c), the portion of Route 39 that is within the city limits of the City of Azusa, except that portion that is north of post mile 17, shall cease to be a state highway when the department and the City of Azusa reach agreement on the terms of the relinquishment of that portion of Route 39 to that city. The terms of the relinquishment agreement shall require that any lump-sum payment from the department to the City of Azusa be deposited by that city in a special account and used solely for improvements on Azusa Avenue and San Gabriel Avenue in the City of Azusa.

(e) (1) Notwithstanding subdivision (c), the commission may relinquish to the City of Covina the portion of Route 39 that is located within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the state.

(2) A relinquishment under this subdivision shall become effective immediately following the commission’s approval of the terms and conditions of the relinquishment.

(3) On and after the effective date of the relinquishment, both of the following shall occur:



(A) The portion of Route 39 relinquished under this subdivision shall cease to be a state highway.

(B) The portion of Route 39 relinquished under this subdivision may not be considered for future adoption under Section 81.

SEC. 6. Section 12512 is added to the Vehicle Code, to read:

12512. Except as provided in Sections 12513, 12514, and 12814.6, no license to drive shall be issued to a person under the age of 18 years.

SEC. 7. Section 21752 of the Vehicle Code is amended to read:

21752. No vehicle shall be driven to the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(c) When approaching within 100 feet of or when traversing any railroad grade crossing.

(d) When approaching within 100 feet of or when traversing any intersection.

This section shall not apply upon a one-way roadway.

